

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 669, FOOD AND DRUGS ACT.

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#### ADULTERATION OF ICE CREAM CONES.

On or about August 6, 1910, there were shipped from Brooklyn, N. Y., to Philadelphia, Pa., 72 packages, each of which contained approximately 100 ice cream cones and was labeled on two sides thereof "Sole Manufacturers. The Valvona Marchiony Co. Cones. Brooklyn Borough, New York," and on two sides "The Valvona Marchiony Co., Manufacturers of Wafers and Wafer Cup Specialties, Brooklyn, N. Y.," and on the tops thereof "Ice Cream Cones. We guarantee that these products, which are manufactured and sold by us, are not misbranded within the meaning of the Food and Drug Act of June 30, 1906. The Valvona Marchiony Co." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed against the said 72 packages of ice cream cones in the District Court of the United States for said district, charging the above shipment and alleging that the product so shipped was adulterated, in that it contained an added poisonous and deleterious ingredient, to wit, boric acid and salts thereof, which rendered the said article injurious to health, and praying seizure and condemnation of the product.

On September 9, 1910, the cause came on for hearing and no claimant to the product having appeared and no answer having been filed to the above libel, the court being fully informed in the premises, issued its decree condemning the said 72 packages of ice cream cones and forfeiting them to the use of the United States for the causes in

the above libel set forth, and ordering the destruction of said product by the marshal of said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 1, 1910.*

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